

JUN 05 2006

PTO/SB/21 (08-03)

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(1761)

TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/538,903
Filing Date	June 14, 2005
First Named Inventor	Bernd HABER
Group Art Unit	1761
Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number
	02/084 NUT

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) Extension of Time Request Express Abandonment Request X Information Disclosure Statement <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communications to Group (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter X Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	ProPat, L.L.C. 425-C South Sharon Amity Road Charlotte, NC 28211-2841
Signature	<i>Cathy Moore</i>
Date	May 31, 2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Claire Wygand		
Signature	<i>Claire Wygand</i>	Date	5/31/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

Re: Bernd HABER *et al.*

Art Unit: 1761

Application No.: 10/538,903

Filing Date: June 14, 2005

Title: *Dietary Foodstuff for Positively Influencing Cardiovascular Health*

Commissioner for Patents
Alexandria, VA 22313-1450
Dear Sir:

Charlotte, NC 28211
May 31, 2006

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

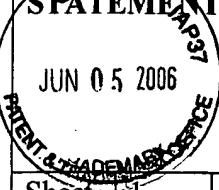
This Information Disclosure Statement (IDS) is made in compliance with 37 C.F.R. 1.97(c). The enclosed Form(s) PTO/SB/08A and PTO/SB/08B were taken from a review of co-pending U.S. Application No. 10/539,174, commonly assigned to Nutrinova Nutrition Specialties & Food Ingredients GmbH, also filed on June 14, 2005.

This submission, made out of an abundance of caution and in compliance with *Dayco Products, Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. (MO) May 23, 2003), does not represent that the above-noted cases constitute an application family. This submission further does not represent that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art."

Applicant respectfully requests that each reference be reviewed and made of record in the instant application. Each of the references noted within the attached Form(s) PTO/SB/08A and PTO/SB/08B were supplied in U.S. Application No. 10/539,174. Consequently, it is assumed that no copies need be furnished. However, copies will be furnished upon request.

Respectfully submitted,

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PTO/SB/08A			Compl. Known			
Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT 			Intn'l App. No.	PCT/EP2003/014713		
			Intn'l Filing Date	December 22, 2003		
			First Named Inventor	Bernd HABER		
			Group Art Unit			
			Examiner Name			
Sheet 1	Of	2 Sheets	Atty Docket No.	02/085 NUT		

U.S. PATENT DOCUMENTS

Examiner Initials'	Cite No.	U. S. Patent Number	Kind Code	Name of Patentee or Applicant of Cited Document	Publication Date	Class	Sub Class
		4,027,009		Grier, et al.	5/31/1977	424	78.08
		4,231,938		Monaghan et al.	11/04/1980	260	343.5
		4,346,227		Terahara et al.	08/24/1982	560	119
		4,444,784		Hoffman et al.	04/24/1984	424	279
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		5,998,400		Brieaddy et al.	12/07/1999	514	211
		6,087,353		Stewart et al.	07/11/2000	514	182
		6,180,660		Whitney et al.	01/30/2001	514	451
		6,221,897		Frick et al.	04/24/2001	514	431
		6,277,831		Frick et al.	08/21/2001	514	431

PTO/SB/08A			Complete if Known							
Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Int'l App. No.		PCT/EP2003/014713					
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JUN 05 2006 U.S. PATENT & TRADEMARK OFFICE RSP7			2	Of	2 Sheets	Atty Docket No.	02/085 NUT			
FOREIGN PATENT DOCUMENTS										
Examiner Initials'	Cite No.	Office Code	Foreign Patent Document Number		Kind	Name of Patentee or Applicant of Cited Document	Publication Date	Class	Subclass	T 6
		WO	95/35277	A1	Schering Corp.	12/28/1995	C07D	205/08	X	
		WO	96/38047	A1	Unilever	06/01/1995	A23D	9/00	X	
		WO	97/33882	A1	G.D. Searle & Co.	9/18/97	C07D	337/08	X	
		WO	99/56558	A1	Raisio Benecol OY	07/08/2003	A23D	9/007	X	
		WO	02/058733	A2	Schering Corp.	08/01/2002				
		WO	02/50060 = US6,703,386	A1	Advantis Pharma Deutschland AG	9/12/2002	C07D	205/08		
		EP	0 616 780	A2	Compania General Del Algarrobo	09/28/1994	A23L	1/308	X	
		JP	60-196157		Amano Seiyaku	10/04/1985	A23L	1/03		
		JP	63-216490		Sagami Chem. Res. Ctr.	09/08/1988	C12P	7/64		
		JP	2000/245442		Sagami Chem. Res. Ctr.	09/12/00	C12n	1/20		
		JP	2001/309797		Nat. Institute of Advanced Industrial Science & Tech.	11/06/2001	C12P	7/64		
Examiner Signature				Date Considered						

IDS cited in spec



PTO/SB/08B Substitute for Form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				International App. No.	PCT/EP2003/014713
				International Filing Date	December 22, 2003
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				Group Art Unit	
				Examiner Name	
Sheet	1	OF	1	Attorney Docket Number	02/085 NUT

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials'	Cite No.	Include name of the author (in CAPITAL LETTERS), Title of the Article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published	T6
		Brown et al. 1999; Am. J. Clin. Nutr. 69: p 30-42	x
		Zunft et al. 2001, Adv. In Ther. 18: p230-36	x
		GISSI-Prevenzione Investigators (Gruppo Italiano per lo Studio della Sopravvivenza nell'Infarto miocardico), Dietary supplementation with n-3 polyunsaturated fatty acids and vitamin E after myocardial infarction: results of the GISSI-prevenzione trial. Lancet. 1999; 354: p 447-455	x
		Burr et al., Effects of changes in fat, fish and fibre intake on death and myocardial reinfarction: diet and reinfarction trial (DART), The Lancet, 1989, p 757-761	x
		Gylling and Miettinen, Curr Control Trials Cardiovasc Med 2001, p 123-128	x
		(V. Bartz 2002, Ernährung & Medizin 17, p 149-150	
		Peres-Olleros et al. 1999; J. Sci. Food Agric. 79, p 173-178	x
		Tonon et al., Long chain polyunsaturated fatty acid production and partitioning to triacylglycerols in four microalgae. Phytochemistry 2002, p 15-24	x
		Cho and Mo, Screening and characterization of eicosapentaenoic acid-producing marine bacteria, Biotechnology Letters 1999, p 215-218	x
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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PTO/AIA/08A				Complete if Known			
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				First Named Inventor	Bernd HABER		
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Sheet	1	Of	1	Attorney Docket Number	02/085 NUT		

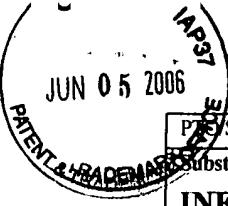
U.S. PATENT DOCUMENTS

Examiner Initials'	Cite No.	U. S. Patent Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Sub class

FOREIGN PATENT DOCUMENTS

Examiner Initials'	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	T6
		Office Number	Kind Code					
		EP	0 616 780	A2 Compania General Del Algarrobo	09/28/1994	A23L	1/308	X
		EP	1 203 535	A1 Ind Agricolas de Mallorca SA: Universitat de les Illes Balears	05/08/2002	A23L	1/172	X
		WO	02/43659	SmithKline Beecham Corp; Bendich Adrianne	06/06/2002	A61K	31/07	X
		JP	62061925 Abstract	Riken Kagaku Kogyo KK	03/18/1987	A61K	35/78	
Examiner Signature				Date Considered				

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JUN 05 2006

PCT/US/08B				Complete if Known	
Substitute for Form 1449A/PTO				International App. No.	PCT/EP2003/014713
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				International Filing Date	December 22, 2003
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				Group Art Unit	
				Examiner Name	
Sheet	1	OF	1	Attorney Docket Number	02/085 NUT

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EXAMINER'S INITIALS / CITE NUMBER / CITATION / CONFORMITY / PERTINENCE / DOCUMENTS			
Examiner Initials'	Cite No.	Include name of the author (in CAPITAL LETTERS), Title of the Article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published	T6
		<p>ST-ONGE MARIE-PIERRE et al. "Consumption of a diet containing medium chain triglycerides, phytosterols and flaxseed oil for 28 d decreased blood lipid parameters compared to a diet containing olive oil" FASEB JOURNAL, Vol. 16, no. 4; March 20, 2002 p. A636 XP009028412</p> <p>Annual Meeting of the Professional Research Scientists on Experimental Biology; New Orleans, Louisiana, April 20-24, 2002 ISSN: 0892-6638 the whole document</p>	x
		<p>DREXEL H et al.: "Therapy of hyperlipoproteinemia!" SCHWEIZERISCHE RUNDSCHAU FUR MEDIZIN PRAXIS = REVUE SUISSE DE MEDECINE PRAXIS. Switzerland April 27, 1993 Vol. 82, no. 17; pp 506-509 XP009028411; ISSN: 1013-2058 , Tabelle p 508</p>	x
		<p>FARMER J. A. et al.: "Choosing the right lipid-regulating agent: A guide to selection" DRUGS 1996 NEW ZEALAND. Vol. 52, no. 5; pp 649-661, XP009028410; ISSN: 0012-6667 , p 652; table 3</p>	x
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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